IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 123 OF 2006

Captain N.A. Chavan (Retired) & Ors. ... Petitioners

V/s.

The Municipal Corporation of the City of Thane & Ors..Respondents

Ms. Gauri Godse for the Petitioners

Mr. R.S. Apte for the First Respondent.

CORAM: **J.N. PATEL AND A.A. SAYED, JJ.**

DATE: **SEPTEMBER 20, 2007**

P.C.:-

1. The learned counsel for the petitioners has drawn our attention to a communication issued by the Urban Development Department of the Government of Maharashtra on 29th December, 2006 to the Municipal Commissioner, Thane Municipal Corporation, wherein it has directed the Municipal Corporation that unless the Development Plan in the City of Thane is modified under Section 37 of the Maharashtra Region and Town Planning

Act, 1966, they are not expected to proceed with the project, which is the subject-matter of the Public Interest Litigation. Copy of the letter is taken on record and marked 'X' for identification.

2. The learned counsel submits that in view of this, the petitioners do not want to prosecute the P.I.L., and seeks to withdraw the same. The P.I.L. is dismissed as withdrawn, with liberty to approach the Court in case any such need arises.

J.N. PATEL, J.

A.A. SAYED, J.